

# **MEETING MINUTES**

## **MILPITAS PLANNING COMMISSION Milpitas City Hall, Council Chambers 455 E. Calaveras Blvd., Milpitas, CA**

**Wednesday, May 14, 2014**

### **I. PLEDGE OF ALLEGIANCE**

**Chair Mandal** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

### **II. ROLL CALL/ SEATING OF ALTERNATE**

#### **Commissioners**

**Present:** Chair Sudhir Mandal, Vice Chair Larry Ciardella, Commissioners John Luk, Rajeev Madnawat, Garry Barbadillo, and Alternate Member Hon Lien  
Commissioner Morris was absent at Roll Call and arrived at 7:05 P.M.

**Absent:** Gurdev Sandhu

**Staff:** Steven McHarris, Johnny Phan, Scott Ruhland

### **III. PUBLIC FORUM**

**Chair Mandal** invited members of the audience to address the Commission and there were no speakers.

### **IV. APPROVAL OF MEETING MINUTES**

**Chair Mandal** called for approval of the April 23, 2014 meeting minutes of the Planning Commission.

**Motion** to approve Planning Commission meeting minutes, as submitted

Motion/Second: Commissioner Madnawat/Vice Chair Ciardella

AYES: 6

NOES: 0

ABSTAIN: 0

### **V. ANNOUNCEMENTS**

No announcements

### **VI. CONFLICT OF INTEREST**

**Assistant City Attorney Johnny Phan** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

There were no reported conflicts.

### **VII. APPROVAL OF AGENDA**

**Chair Mandal** asked if staff or Commissioners had changes to the agenda.

**Motion** to approve the May 14, 2014 agenda as submitted.

Motion/Second: Commissioner Madnawat/Commissioner Barbadillo

AYES: 6

NOES: 0

### **VIII. CONSENT CALENDAR**

#### **VIII-1**

**SPRINT CUP TIME EXTENSION – 1220 Pecten Court – TE14-0002:** To consider a time extension to Conditional Use Permit Amendment UA12-0003 for a previously approved use permit amendment to allow wireless telecommunications facility. The project is categorically exempt from further CEQA review pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

**Motion** to adopt Resolution No. 14-015 approving Time Extension TE14-0002 to allow a one-time eighteen month extension for a previously approved Conditional Use Permit Amendment No. UA12-0003.

Motion/Second: Commissioner Madnawat/Vice Chair Ciardella

AYES: 6

NOES: 0

#### **VIII-2**

**WIRELESS ANTENNA FACILITY CONDITIONAL USE PERMIT – 15 Wilson Way – UP14-0008:** A request for the installation of three new antennas inside a new enclosed structure attached to the rooftop of an existing building. This project is categorically exempt from further CEQA review pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

**Motion** to adopt Resolution No. 14-020 approving Conditional Use Permit No. UP14-0008 for the installation of three new antennas inside a new enclosed structure attached to the rooftop of an existing building.

Motion/Second: Commissioner Madnawat/Vice Chair Ciardella

AYES: 6

NOES: 0

### **IX. PUBLIC HEARING**

#### **IX-1**

**CITATION II MIXED USE – 765 Montague Expressway – SD13-0012, MT13-0006, UP13-0011:** A request for a Site Development Permit, Major Vesting Tentative Map and Conditional Use Permit for the construction of 381 apartment dwelling units, 8,100 square feet of commercial and office space and associated site improvements on 5.6 acres. A CEQA finding is proposed that this project is within the program of the Transit Area Specific Plan EIR and no further action is required.

Chair Mandal, Vice Chair Ciardella, and Commissioner Lien disclosed that they have met with representatives of the Citation II developer.

Senior Planner Scott Ruhland gave a short presentation and description of the project.

Commissioner Madnawat asked that Senior Planner Ruhland discuss the traffic plan and entering and exiting the parking garage. Senior Planner Ruhland explained that Piper Drive is a public street with access off of Montague, with a private drive with right in, right out turns only. Commissioner Madnawat asked if there will be a wall behind the complex due to the railroad and Senior Planner Ruhland said the applicant is proposing a solid wall but is open to direction from the commission. He added that the wall will act as more of a screen as it is less of a noise issue.

Commissioner Madnawat asked if there is a plan to use recycled water and if there is a requirement to provide public art. Senior Planner Ruhland said that recycled water will be used for the landscaping, and although there is no ordinance currently requiring public

art the applicant is going to propose a public art feature as part of the plaza area.

Commissioner Morris asked about Police and Fire access and Senior Planner Ruhland said the private streets will have emergency access easements and that the project has been reviewed by the Police and Fire Departments.

Commissioner Madnawat questioned the modification to #61 of the conditions of approval and Senior Planner Ruhland explained that a property management association is a separate company that manages the maintenance of property and has the same duties of an HOA however there is no HOA necessary for this project since there are no homeowners. He added that an HOA would not be required unless the apartments were converted to condos.

Commissioner Barbadillo asked if staff heard from the school district in regards to this project and Senior Planner Ruhland answered that they had not. Commissioner Barbadillo also asked if the City considered the school needs when reviewing this project and Assistant City Attorney Johnny Phan said the TASP area does accommodate a school and that there is a plan for a future school site in the TASP. He added that the applicant pays school impact fees.

Commissioner Morris asked how long the school property be tied up in litigation and Assistant City Attorney Phan said he is optimistic that there will be a settlement in the near future but there is no time table.

Chair Mandal asked if alternative energy will be included in the project and Senior Planner Ruhland replied that the electrical infrastructure will be included so that solar panels can later be added. Chair Mandal also expressed a desire to see the name of the city included on the building signage.

Applicant Jim Sullivan of SCS Development Company discussed the project and said he feels it is a vibrant and attractive project that will be beneficial to Milpitas. He said they have no intention of selling the units as they view this as a long term project and intend to keep it in pristine condition. The earliest they will break ground will be Spring 2016. He added that they are committed to building a minimum of four electric vehicle charging stations.

Chair Mandal opened the public hearing. Ms. Winslow, the owner of property at the corner of Montague Expressway and Milpitas Blvd., is interested in what the traffic study shows about increased traffic due to the additional units and said she anticipates a problem with people parking in her parking lot. She also asked if there has been any consideration of the Mt. Hamilton Observatory due to the lighting at this development as that is something they had to consider when they developed their property 13 years ago.

Applicant Sullivan thanked staff for doing a good job but said there is one item that he is hopeful can be worked out which is overhead electrical lines along Piper Drive. One of the conditions of approval references the undergrounding of these lines which he intends to do along Piper Drive; however, he feels it is extremely expensive to go across Montague Expressway. He feels that when Montague is widened that will be a good opportunity for the county to underground the lines and he is open to sharing the cost with other developers within the area but that to place that cost on him is excessive.

**Motion** to close the public hearing.

Motion/Second: Commissioner Madnawat/Commissioner Luk

AYES: 7

NOES: 0

**Motion** to adopt Resolution No. 14-019 recommending the City Council approve Major Vesting Tentative Map, Site Development Permit and Conditional Use Permit for the construction of 381 apartment dwelling units, 8,100 square feet of commercial and office space and associated site improvements on 5.6 acres.

Motion/Second: Vice Chair Ciardella/Commissioner Luk

AYES: 6

NOES: 1 Barbadillo

ABSTAIN: 0

## **X. NEW BUSINESS**

### **X-1 UPDATE AND STATUS REPORT ON MILPITAS GENERAL PLAN HOUSING ELEMENT PROCESS (2015-2023)**

Felix Reliford, Principal Planner, gave a summary of the Housing Element process. He introduced BAE consultants Janet Smith Heimer and Stephanie Hager who gave a short presentation. They explained that California state law requires that each city and county create a plan every eight years to meet projected housing needs. They discussed the process for creating the plan and next steps in the review and implementation process.

Commissioner Madnawat asked what happens when a city underachieves and Ms. Smith Heimer said there is no direct penalty; however, there can be monetary consequences for not creating a plan.

Pilar Lorenzana-Campo, Regional Policy Manager for The Non Profit Housing Association, said that with the loss of the Redevelopment Agency it has been a very challenging time in terms of financing for affordable housing. In addition to the Housing Impact Fee and Commercial Linkage Fee, she feels the city should consider a boomerang fund policy as a good way to set aside funds for affordable housing as Milpitas has fallen short on the number of affordable housing units.

Commissioner Madnawat asked what the Commercial Linkage Fee is and Ms. Smith Heimer explained that some cities are charging a small fee on commercial development which is put into a fund to be made available to affordable housing developers.

## **XI. ADJOURNMENT**

The meeting was adjourned at 9:35 PM to the next meeting of May 28, 2014.

**Motion** to adjourn to the next meeting.

Motion/Second: Commissioner Madnawat/Commissioner Luk

AYES: 7

NOES: 0

ABSENT: 1

*Meeting Minutes submitted by  
Planning Secretary Elia Escobar*